

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAUL SABINO,

Plaintiff,

20-CV-5861 (EK) (JRC)

NOTICE OF MOTION

-against-

JAMES OGLE, CITY OF NEW YORK,

Defendants.

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PLEASE TAKE NOTICE that defendant JAMES OGLE, by his attorney, LETITIA JAMES, Attorney General of the State of New York, upon the annexed Memorandum of Law, will move this Court before the Honorable Eric Komitee, United States District Court Judge for the Eastern District of New York, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, 11201, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b) (1) and (6) of the Federal Rules of Civil Procedure dismissing the Complaint on the grounds that: (i) Defendant Ogle was privileged in issuing a parole warrant against Plaintiff; (ii) Plaintiff does not plead facts sufficient to demonstrate the deliberate indifference of Defendant Ogle in Plaintiff's prolonged detention; (iii) any claims against Defendant Ogle in his personal capacity are barred by qualified immunity; (iv) the Eleventh Amendment bars official capacity claims; and; (v) Plaintiff fails to state a claim for relief apart from an Eighth Amendment violation.

Pursuant to the Court's July 19, 2023 Order, opposition papers, if any, are due by September 5, 2023; and reply papers, if any, are due by September 12, 2023.

Dated: New York, New York
August 4, 2023

Respectfully submitted,

LETITIA JAMES
Attorney General of the
State of New York
Attorneys for Defendants
By:

/s/ Andrew Blancato
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